



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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IN REPLY PLEASE
REFER TO FILE: PD-1

July 10, 2008

TO: Each Supervisor

FROM: Dean D. Efstathiou
Acting Director of Public Works

ALAMEDA CORRIDOR-EAST CONSTRUCTION AUTHORITY BOARD MEETING-JUNE 23, 2008

On June 23, 2008, my staff attended the regular Board meeting of the Alameda Corridor-East (ACE) Construction Authority. A copy of the June 23, 2008, agenda and adopted minutes of the May 19, 2008, regular Board meeting are attached. The following items were discussed at the meeting, which are of interest to the County.

Agenda Item VI – The Chief Executive Officer reported that ACE submitted a grant application in the amount of \$21 million for the Nogales Street Grade Separation project under the Proposition 1B Highway-Railroad Safety Program. This program provided \$250 million to grade separation projects, of which \$100 million is made available on a competitive basis.

Agenda Item VII – The Board approved staff's recommendation to authorize the Chief Executive Officer to amend the contract with DMJM+Harris to add \$54,000 for design revisions and support during construction of the Brea Canyon Road Grade Separation project, for a new contract value of \$3,773,376.

Agenda Item VIII – The Board approved staff's recommendation to authorize the Chief Executive Officer to amend the contract with HDR Engineering, Inc., to add \$117,105 for design support and allowance for the increase of labor rate escalation costs for the Temple Avenue Diversion project, for a new contract amount of \$7,379,355.

Agenda Item IX – The Board approved staff's recommendation to increase the Chief Executive Officer's change order authorization for the East End Avenue and Reservoir

Each Supervisor
July 10, 2008
Page 2

Street grade separation projects by \$437,000, for a total contract authorization of \$34,403,460, to accommodate change orders and material cost escalations.

The next Board meeting will be held on July 28, 2008, at 2 p.m., at the Irwindale City Hall Chambers.

AU:pr

C090009

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Attach.

cc: Chief Executive Office (William T Fujioka, Lari Sheehan)
Executive Office



Alameda Corridor-East Construction Authority

4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theaceproject.org

ALAMEDA CORRIDOR-EAST CONSTRUCTION AUTHORITY BOARD OF DIRECTORS

REGULAR MEETING AGENDA

Monday, June 23, 2008 – 2:00 P.M.

**City of Industry Chamber of Commerce – City Council Chambers
15651 E. Stafford Street
Industry, CA 91744**

Members of the public may comment on any item on the agenda at the time it is taken up by the Board. We ask that members of the public come forward to be recognized by the Chair and keep their remarks brief. If several persons wish to address the Board on a single item, the Chair may impose a three-minute time limit on individual remarks at the beginning of the discussion.

- | | | |
|-------|---|-------------|
| I. | Roll Call and Introductions | |
| II. | Pledge of Allegiance | |
| III. | Approval of Minutes of Meeting of May 19, 2008 | Action |
| IV. | Public Comment | |
| V. | Chairman's Remarks | Information |
| VI. | Chief Executive Officer's Report | Information |
| VII. | Approval of Contract Amendment for Design Services for the Brea Canyon Road Grade Separation with DMJM | Action |
| VIII. | Approval of Contract Amendment for Design Services for the Temple Avenue Train Diversion Project with HDR Engineering, Inc. | Action |
| IX. | Approval of Increased Construction Contract Contingency for the East End/Reservoir Grade Separation | Action |
| X. | Approval of Ongoing Support Services and Annual Task Orders | Action |
| | <ul style="list-style-type: none">• Capital Representation Group• Prince Global Solutions• Padilla & Associates• Burke, Williams & Sorensen• Hunt, Ortmann, Nieves, Lubka, Darling & Mah, Inc.• Big Independent Cities Excess Pool | |

The ACE Construction Authority is currently constituted of seven (7) member jurisdiction; the Cities of El Monte, Industry, Montebello, San Gabriel and Pomona, the County of Los Angeles and the San Gabriel Valley Council of Governments. A San Bernardino County Council of Governments representative is an ex-officio Board member.

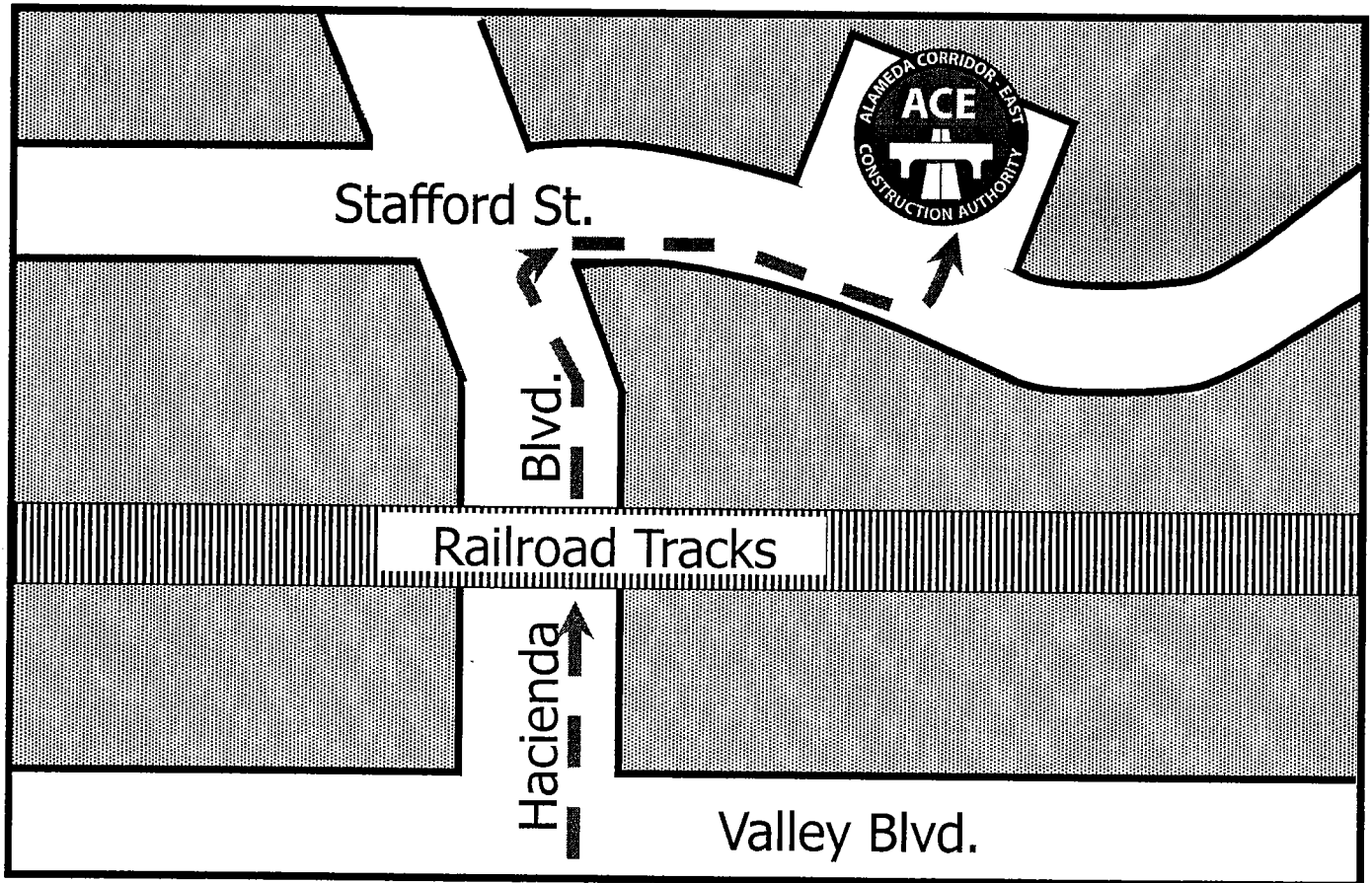
Each member or alternate has one vote. A quorum of the ACE Construction Authority is no less than four (4) of its total voting membership. Actions taken by the ACE Construction Authority shall be by simple majority of the members present with a quorum in attendance except for personnel actions, the annual budget, matters dealing with the Administrative Code or matters requiring subsequent approval by the SGVCOG, all of which shall require five (5) votes.

- First Southwest Company
 - Lopez & Company
 - CLMC, Inc.
- XI. Approval of Contracts with Previous Bechtel Subcontractors Action
- Paragon Partners
 - Del Richardson
 - MWH
 - Terry Hayes & Associates
 - JL Patterson
 - Wagner Engineering
 - Lee Andrews Group
 - LPC Public Relations
- XII. Approval of Support in Concept Position on AB 2321 Action
- XIII. Adjournment – The Board will adjourn to closed session for conference with legal counsel due to significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 (one potential case) Possible Action
- XIV. Adjournment – The Board will adjourn to a tour of the Sunset Avenue Grade Separation Project.
- XV. Adjournment

ACE Board of Directors Meeting

Monday, June 23, 2008

Directions to City of Industry Chamber of Commerce
15651 E. Stafford St., Industry, CA

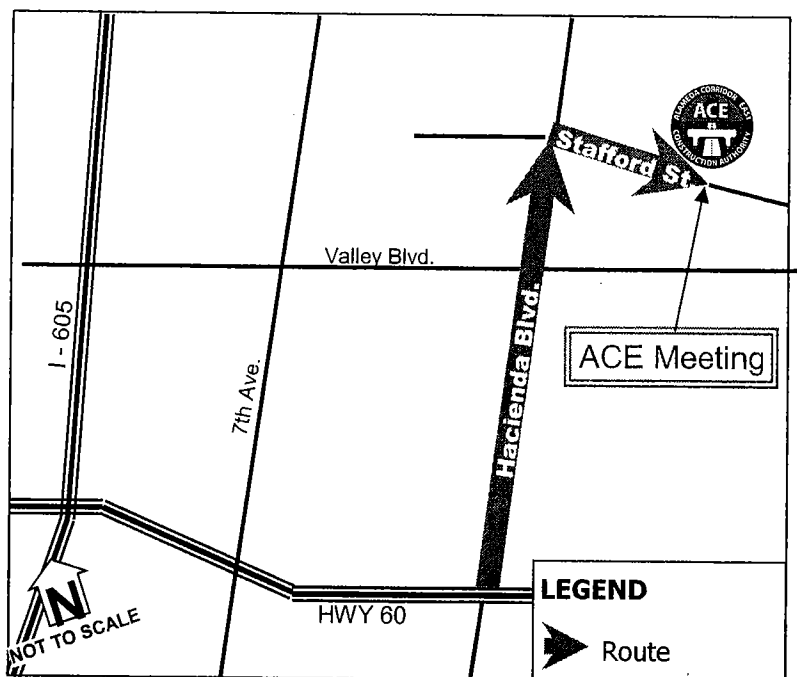


I - 60 EASTBOUND

Exit Hacienda Blvd.
Left on Hacienda Blvd.
Cross Valley Blvd.
Right at Stafford St.
Left at 15651 Stafford St.

I - 60 WESTBOUND

Exit Hacienda Blvd.
Right on Hacienda Blvd.
Cross Valley Blvd.
Right at Stafford St.
Left at 15651 Stafford St.





**ACE Construction Authority
Board Meeting
May 19, 2008**

Chairman Hunter called the meeting to order at 2:00PM in the Irwindale City Council Chambers, Irwindale California.

1. In attendance were:

George Hunter, Chairman
Tim Spohn, Vice Chairman
Patricia Wallach, El Monte
Dave Spence, La Canada Flintridge, SGVCOG
Harry Baldwin, San Gabriel
Rosemarie Vasquez, Montebello
Gloria Molina, Los Angeles County

Staff

Rick Richmond, Chief Executive Officer
Joe Silvey, Legal Counsel
Sharon Neely, staff
Lou Cluster, staff
Regina Talamantez, staff
Cynthia Ambrose, staff
Carlos Monroy, staff
Deanna Stanley, staff

Guests

David Varnam, Congressman Gary Miller's office
Karalee Etheridge, Congressman Gary Miller's office
Donna Lee, Southern California Edison

2. Pledge of Allegiance

Vice Chairman Spohn led the pledge of allegiance.

3. Approval of Minutes of April 28, 2008.

A motion was made to approve the meeting minutes of April 28, 2008.
M/S/C:Spohn/Molina/Unanimous

4. Public Comment

There were no public comments.

5. Chairman's Remarks

Chairman Hunter thanked Harry Baldwin for attending Metro's Planning Committee meeting wherein the Board approved a final multi-county goods

movement action plan. Chairman Hunter also thanked staff and Mayor Gutierrez for the successful dedication ceremony at the Ramona Blvd. grade separation

6. Chief Executive Officer Report

Mr. Richmond indicated a meeting was held at the ACE offices meet requirements for September CTC Board meeting baseline agreement. Mr. Richmond reported that ACE is submitting a state application for the Nogales Street project for \$21 M. Mr. Richmond introduced new employee Victoria Butler, Senior Project Manager, Project Controls. Mr. Richmond also reported that David Varnum, legislative assistant to Congressman Gary Miller would be leaving. He thanked Mr. Varnum and the Congressman's office for their continued interest and support of the ACE Project and Mr. Varnum introduced his replacement, Kara Etheridge.

Senior Project Manager Regina Talamentez reviewed project photos of the Brea Canyon Road grade separation project. Rick Richmond reviewed project photos of the East End Avenue and Sunset Avenue grade separation projects.

7. Approval of FY '09 Budget

Mr. Richmond reviewed the project goals and accomplishments for fiscal year 2008. He reviewed the successes of construction of the Ramona Blvd., East End Ave. and Brea Canyon Road grade separations. He identified the less successful projects were Sunset Ave., Temple Avenue 4th track. He also reviewed funding accomplishments included SAFETEA-LU allocation of \$31.25 million and Prop 1B allocation of \$336M, the largest single project allocation. Outreach accomplishments included the ribbon cutting ceremony at Ramona and the continuation of the school, business and community outreach programs. Mr. Richmond reviewed 2009 goals which included: limited opening of the Brea Canyon Road grade separation by August '08 and full opening by October; Complete the environmental clearance and design and begin right of way acquisition for the Nogales Street grade separation; construction of the Sunset Avenue project at 60%; complete preliminary engineering and environmental clearance for the San Gabriel Trench project. He also reviewed funding goals which included: submitting an application for FRA rail relocation funds, obtain Prop 1B funding for the Nogales Street project and seek dedicated freight trust fund in SAFETEA-LU reauthorization. Outreach goals included holding ribbon cutting ceremonies for the East End Ave and Brea Canyon Road projects; conduct at least one environmental outreach meeting for the San Gabriel Trench and Nogales Street grade separation projects and seek FY '09 federal appropriations earmark. Carlos Monroy reviewed the budget figures for FY '08 and FY '09. He explained the increase in personnel costs were attributed to bringing program management services in-house which were offset by the

A motion was made to approve the ACE Construction Authority budget for fiscal year 2009 and submittal to the San Gabriel Valley Council of Governments for their consideration at their June Meeting.
M/S/C/Molina/Spence/Unanimous

8. Approval of Interagency Agreement with the City of Banning

Mr. Richmond reported that the Riverside County Transportation Commission and the City of Banning requested project management assistance of ACE in a grade separation project at Sunset Avenue in the City of Banning. Mr. Richmond indicated such an undertaking would require about ½ person's time. He reported that he has made it clear that ACE would require indemnification and outlined the project management tasks proposed which included: oversee design/construction, railroad coordination, local agency coordination and budget/schedule control. He indicated discussions were ongoing regarding actions necessary to implement the program but reminded the Board the interagency agreement but would also require approval from the San Gabriel Valley Council of Governments.

A motion was made to approve an interagency agreement with the City of Banning to provide project management advisory services to the City on their Sunset Avenue grade separation project.
M/S/C/Baldwin/Wallach/Unanimous

9. Approval of Contract Amendment for Construction Management Services for the Ramona Blvd. Grade Separation Project with LAN Engineering

Mr. Richmond reviewed the previous tasks of the construction managers of the Ramona Blvd grade separation. He reminded the Board of the past rain that delayed the opening of the Ramona Blvd grade separation, thereby also extending the contract duration. A prior delay from utility relocation also contributed to the need for an additional \$50,000 to cover the contractor's costs.

A motion was made to authorize the Chief Executive Officer to amend the contract with Lim and Nascimento Engineering Corporation (LAN) to add \$50,000 to Task Order #2 of the contract for construction management services associated with the Ramona Blvd. Grade Separation project, for a new task order value of \$4,045,000.
M/S/C/Spohn/Baldwin/Unanimous

10. Approval of Contract Amendment for Construction Management Services for the East End Avenue and Reservoir Street Grade Separation Projects with PB Americas

Mr. Richmond reviewed the background of the construction at East End Ave and Reservoir Ave. He reminded the board that since the last budget augmentation one year ago the period of construction was extended one month. In addition the contractor was expected to split use of its inspectors, office engineers and clerical support between the Reservoir, East End and Temple Avenue projects as well as the Sunset Avenue project which caused charges to incur. Completion and activation of underground utilities took longer than expected. He indicated an additional \$248,000 was necessary to continue the contract through construction and provide time for contract close out. The Board discussed contractor costs incurred as a result of utility schedules. Donna Lee, Southern California Edison, outlined factors which could contribute towards schedule delays and reminded the Board of Edison's commitment to work cooperatively with ACE.

A motion was made to authorize the Chief Executive Officer to amend the contract with PB Americas, Inc. (PB) to add an amount not to exceed \$248,000 to Task Order #1 of the contract for construction management services associated with the East End Avenue and Reservoir Street grade separations. The new task order value will be the not-to-exceed amount of \$4,577,164.
M/S/C/Baldwin/Wallach/Unanimous

11. Approval of Increased Authorization for Contract Change Orders for the Ramona Blvd. Grade Separation Project

Mr. Richmond stated that during closeout meetings with project stakeholders additional work was identified. The work included restoration of a parking lot, landscaping and irrigation in front of the Ramona Valley shopping center and adding wrought iron fencing and concrete steps. In addition, delays to bridge and retaining wall pile driving due to conflicts with third parties was being negotiated with the contractor. He indicated the compensable delay for pile driving was a combination of time spent confirming the location on one relocated line and designing around one line not relocated to the proper place. He reminded the board that whatever compensation is due the contractor will be sought from the utility company.

A motion was made to authorize the Chief Executive Officer's change order authorization by \$330,000 contract value to accommodate late-project change work and compensation to the contractor for delays.
M/S/C/Spence/Wallach/Unanimous

12. Approval of Support Positions on SB 1646 and AB 2650 and Support Position on AB 660

Sharon Neely reviewed the staff report and outlined the key pending transportation bills. She reviewed financing options on six bills proposed by Assembly member Mike Feur. She reminded the board that staff with work with Metro and other agencies and return at the June meeting with a recommendation on positions on these bills.

A motion was made to approve recommendations concerning ACE positions on pending state transportation legislation.
M/S/C/Baldwin/Molina/Unanimous

13. The meeting was adjourned at 3:48pm.



Alameda Corridor-East Construction Authority

4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theaceproject.org

MEMO TO: ACE Construction Authority Board Members & Alternates

FROM: Rick Richmond
Chief Executive Officer

DATE: June 23, 2008

SUBJECT: CEO Report

The following are items of note since the last meeting:

\$2M Loan from the City of Industry

The City of Industry provided a \$2 million working capital loan to the San Gabriel Valley Council Valley of Governments for the ACE Project in 1999. It was critically important to getting the ACE Project started. Extended once in the past, the loan agreement is now expiring. We intend to return the principal on June 30 with our sincere thanks for the City's long-standing support of the project.

\$25.6 million Prop 1B Nogales Application

ACE has submitted a \$21 million application for Prop 1B grade separation funding for the Nogales Blvd. project. The \$250 million grade separation program included in Prop 1B has two components, \$150 million for PUC ranked projects and \$100 million for all projects on or off the PUC list. Action by the CTC is expected at their August meeting.

Community Outreach Update - Staff has conducted the following project outreach activities:

- Distributed construction alert notices regarding reverting from shoofly track to the mainline track and commuter platform at the Industry Metrolink station for the Brea Canyon Road grade separation project;
- Distributed construction alert notices regarding student pickup and drop-off access routes at the East End Avenue grade separation project;
- Conducted ongoing business support program, community outreach and construction coordination activities for the Brea Canyon Road, East End Avenue, Ramona Boulevard, and Sunset Avenue projects.

Contracting – Our Administrative Code delegates to the CEO the authority to approve new contracts or change orders for Board-approved contracts within certain limits, with a requirement that I report to the Board any such contract action. In addition to those included in the monthly construction reports, below are the contract actions since last month:

Prince Global Solutions, LLC	Continuation of federal legislative support with key persons from previous firm	\$0	\$56,124
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Construction Progress Reports – Attached are construction progress reports on the Ramona Ave., East End Ave., Brea Canyon Road and Sunset Ave. projects.

ALAMEDA CORRIDOR EAST
PROJECT STATUS REPORT
BREA CANYON ROAD GRADE SEPARATION



For the Month: **May 2008**

Scope:	Construct a grade separation at Brea Canyon Road in the Cities of Industry and Diamond Bar
Contractor:	Griffith Company
Construction Manager:	Lim & Nascimento Engineering
Contract Award:	April 28, 2006
Notice to Proceed:	July 5, 2006
Est. Partial Const. Completion:	October 17, 2008
Contract Completion:	January 9, 2009.

Project Milestone Summary	Estimated Start	Estimated Completion	% Complete
Install Storm Drain System	September 2006	August 2008	80%
Install Sewer Line	July 2006	May 2007	100%
Prepare Shoofly	July 2006	October 2006	80%
Construct bridge foundations	September 2007	March 2008	100%
Construct bridge superstructure	November 2007	April 2008	100%
Install MWD Water Line	July 2006	August 2008	99%
Install SCE Trans & Distribution	August 2006	August 2008	95%
Build Pump Station	October 2006	June 2008	80%
Construct Retaining Walls	March 2007	August 2008	70%
Roadway Civil Work	July 2006	September 2008	50%
Complete Landscape, Irr & Lighting	August 2007	October 2008	10%
Shea Property Improvement Option	August 2007	October 2008	5%
Open to public		October 2008	

Financial Summary	
Original Contract Value	\$ 39,958,807.00
C.O.s Approved This Month	\$0.0
C.O.s Approved to Date	\$3,476,915.19
Current Contract Value	\$43,435,722.19

BREA CANYON ROAD GRADE SEPARATION PROJECT

CONTRACTOR **GRIFFITH COMPANY**

CONTRACT AWARD **APRIL 28, 2006**
NTP **JULY 5, 2006**
CONTRACT COMPLETION **JANUARY 9, 2009**
PARTIAL CONSTRUCTION
COMPLETION **OCTOBER 17, 2008**

ORIGINAL
CONTRACT VALUE **\$ 39,958,807**

AMENDED
CONTRACT VALUE **\$ 43,435,722**

EARNED TO DATE **\$ 32,467,810**

CURRENT STAGE OF WORK **STAGE 2 THRU 4**

TOTAL FLOAT TO MS#4 **- 21 DAYS**
(BASED ON SUBMITTED DRAFT APRIL MONTHLY UPDATE)

*SUBSTANTIAL PROJECT CONSTRUCTION COMPLETION DATE
AS OF TODAY IS 10/17/08.

SAFETY AND SECURITY ISSUES:

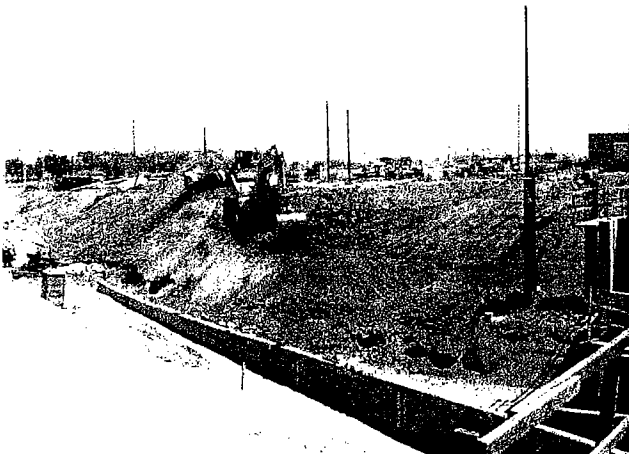
SAFETY:
*TIME LOST INJURY STATUS - NONE

SECURITY:
*NONE

INITIAL EVENT REPORTS:
*NONE



PILE DRIVING AT RW #6 ALONG BREA CANYON ROAD



NORTH RAMP ROUGH GRADING-050308



UPRR BRIDGE BALLAST RETAINER CONCRETE PLACEMENT



LAN ENGINEERING
CORPORATION
CONSTRUCTION MANAGEMENT DIVISION

MAY 2008

BREA CANYON ROAD GRADE SEPARATION PROJECT

WORK ACCOMPLISHED IN MAY:

BREA CANYON ROAD / UTILITY INSTALLATIONS:

- RW #6 PILE DRIVING FOR FOOTING SECTION ALONG WASHINGTON STREET AND BREA CANYON ROAD, SPREAD FOOTING AND STEM WALL SECTION CONCRETE PLACEMENT.
- RW #3 AND 5 STEM WALL CONCRETE PLACEMENT, STRUCTURE BACKFILL BEHIND STEM WALL.
- PUMP STATION MASONRY BLOCK INSTALLATION FOR BUILDING, ELECTRICAL CONDUIT INSTALLATION INSIDE WET WELL, BATHROOM PLUMBING CONDUIT INSTALLATION, UTILITY PAD GRADING AND CONDUIT INSTALLATION.
- NORTH RAMP ROUGH GRADING
- ASPHALT PAVING FOR PARKING LOT AND DRIVEWAYS VOGUL PROPERTY, VERIZON CABLES WERE LOWERED AT DRIVEWAY.

UPRR BRIDGE:

- UPRR BRIDGE APPROACH SLAB AND BALLAST RETAINER CONCRETE PLACEMENT
- SUB BALLAST FOR UPRR TRACKS BEYOND BOTH SIDE OF APPROACH SLABS: OVER EXCAVATION, BACKFILL AND COMPACTION
- WATER PROOFING AND DECK DRAIN INSTALLATION OVER TOP DECK CONCRETE.

WORK TO BE ACCOMPLISHED IN JUNE:

BREA CANYON ROAD / UTILITY INSTALLATIONS:

- SCE DISTRIBUTION CABLE INSTALLATION BY SCE ALONG WASHINGTON STREET.
- CONSTRUCTION OF RW #6; FOOTING REINFORCEMENT AND CONCRETE PLACEMENT FOR PILE FOOTING

UPRR BRIDGE:

- UPRR TRACK SWITCH OVER FOR TRACK 1 AND 2

CRITICAL ISSUES RESOLVED / REMAIN TO BE RESOLVED:

- EDISON NEEDS TO MOBILIZE AND ACTIVATE STREET LIGHTS ALONG CURRIER ROAD AND BREA CANYON ROAD. (CURRENTLY RENTING LIGHT TOWERS FROM GC AND T&M).
- GROUNDWATER PUMPING SYSTEM DESIGN / SCOPE OF WORK FOR THIS PROJECT
- SCE – WASHINGTON STREET DISTRIBUTION CABLE INSTALLATION AND ACTIVATION IN ORDER TO REMOVE POLES AT RW#4.



ALAMEDA CORRIDOR EAST
PROJECT STATUS REPORT
EAST END/ RESERVOIR GRADE SEPARATIONS

For the Month: May 2008

Scope:	Construct two railroad and two roadway bridges to grade separate the East End and Reservoir roadways from the railroad.
Contractor:	Ortiz Enterprises, Inc.
Construction Manager:	PB
Contract Award:	March, 2004
Notice to Proceed:	June, 2004
Estimated Completion:	Reservoir – December 2006 East End – May, 2008

Reservoir Schedule Summary	Estimated Start	Estimated Completion	% Complete
Reservoir utility	June 2004	July 2006	100%
Railroad bridge construction	February 2005	February 2006	100%
lower streets/construct retaining walls	August 2005	December 2006	100%
Storm Water Lift Station	March 2006	November 2006	100%
1 st Street bridge construction	March 2006	October 2006	100%
Open 1 st Street to traffic	December 2006	April 2007	100%
Open Reservoir Street to traffic	December 2006	December 2006	100%
East End Schedule Summary			
East End utility relocations	June 2005	June 2007	100%
Los Angeles Shoofly construction for East End	Aug 2007	Sept 2007	100%
SCE Temporary Relocation (field work)	February 2006	December 2007	100%
Verizon Permanent Relocation	April 2006	January 2007	100%
Railroad bridge construction	January 2007	May 2008	100%
Lower streets/construct retaining walls	February 2007	March 2008	100%
Storm Water Lift Station	June 2007	April 2008	99%
1 st Street bridge construction	Oct 2007	April 2008	98%
Open 1 st Street to traffic	---	June 2008	---
Open East End Avenue to traffic	---	June 2008	---
Via Pueblo School access work	June 2007	September 2007	99%

Financial Summary			
Original Contract Value	\$30,208,600		
C.O.s Approved This Month	\$0.00		
C.O.s Approved thru This Month (thru 20)	\$3,688,718		
Current Contract Value	\$33,897,318		
Invoiced to Date (% of revised contract)	\$33,110,031		98%

EAST END / RESERVOIR GRADE SEPARATION PROJECT

Contractor	Ortiz
Contract Award	March 2004
NTP	June 2004
Milestone to Reopen Reservoir	December 2006
Original Completion	August 2007
Revised Completion	June 2008
Original Contract Value	\$30,208,600
Change Orders this Month	\$0.00
Amended Contract Value	\$33,897,318
Earned to Date 98%	\$33,110,031

Progress Summary

• Reservoir contract:	100%
• East End Railroad Bridge:	100%
• East End Utility installation	100%
• East End Roadway Excavation	100%
• East End Retaining walls:	100%
• East End Lift Station	99%
• 1 st Street Bridge @ East End	98%

Safety and Security Issues:

Safety:

- TIME LOST INJURY STATUS None
- INCIDENTS THIS MONTH None
- Security: None
- Initial Event Reports:

Issues

- On Nov 28, contractor submitted large value escalation claim of \$2.3M. Contractor to re-evaluate and supply proper documentation. CM to start issuing CN's

Work Accomplished this Month

Reservoir:

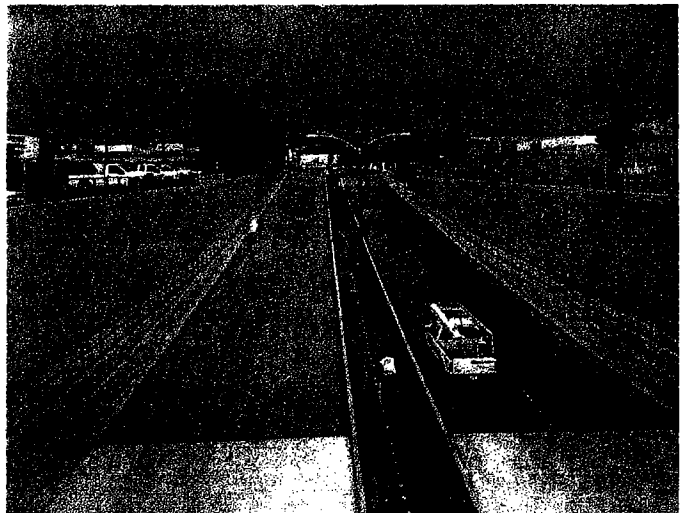
- Paved Truck Shop parking lot

East End:

- Completed pulling wire for MCC equip @lift sta. Final operational test & training session
- Completed curb, gutter, sidewalk & pavement. Open East End Ave-only North bound right lane
- Continued street and traffic light installation
- Continued installation of irrigation system along EE& school
- Continued fence and handrail installation

Upcoming Work next Month @ EE

- Complete irrigation and landscaping.
- Complete installation and place in service Traffic Signal and Street lights.
- Complete fence and handrail installation
- Open all EE Ave and First St lanes for Traffic.
- Punch list work



Installing sprinkler heads along EE median planter



Installing lights @ EE RR bridge



EE Ave North bound, right lane open for traffic

ALAMEDA CORRIDOR EAST

PROJECT STATUS REPORT

SUNSET AVENUE GRADE SEPARATION PROJECT

For the Month: **May 2008**

Scope:	Construction of grade separations at the UPRR crossings at Orange Avenue and Sunset Avenue. Orange and Sunset Avenues will be lowered slightly and the tracks raised on embankments and two steel thru-girder bridges. California Street will be raised and reconstructed to meet the new track locations. Valley Boulevard will be reconstructed at all three intersections. Trackwork will consist of a new raised mainline track; at grade drill track and industry track connection to the north; and a temporary shoofly to the south requiring temporary closure of the northerly lane of Valley Blvd.		
Contractor:	Atkinson Contractors, LP		
Construction Manager:	PB		
Contract Award:	August 28, 2006		
Notice to Proceed:	November 14, 2006		
Original Completion:	November 18, 2009	Schedule % Complete	
Revised Contract Completion:	July 27, 2010	39.1	

Schedule Summary	Estimated Start	Estimated Completion	% Complete
California Ave Shoofly & Street Restoration	January 2007	December 2007	99%
Railroad ROW storm drain system	February 2007	January 2009	75%
Valley Blvd Shoofly	May 2007	March 2008	65%
Drill Track	April 2008	January 2009	8%
Drill Track REV 12	June 2008	August 2008	0%
Retaining Walls	February 2009	November 2009	0%
Sunset Avenue Bridge & Roadway	August 2009	June 2010	44%
Orange Avenue Bridge & Roadway	August 2009	June 2010	46%
Valley Blvd Street Restoration	August 2009	October 2009	0%
Landscaping & Irrigation	September 2009	January 2010	0%

Financial Summary			
Original Contract Value	\$41,938,421.50		
C.O.s Approved This Month	\$411,097.73		
C.O.s Approved to Date	\$4,530,703.24		
Current Contract Value	\$46,058,027.01		
Invoiced to Date (% of revised contract)	\$12,285,234.50		26.7%
Release of Liens are Current	<input checked="" type="checkbox"/>		

SUNSET AVENUE GRADE SEPARATION PROJECT

Contractor	Atkinson Contractors, LP	
Contract Award	August 2006	
Limited NTP	November 1, 2006	
NTP	November 14, 2006	
Contractual Completion	November 18, 2009	
Revised Completion	39.0%	July 27, 2010
Original Contract Value	\$41,938,421.50	
Change Orders this Month	\$862,740.64	
Amended Contract Value	\$46,058,027.01	
Earned to Date (Amended Value)	26.6%	\$12,234,834.50
Release of Liens are Current	<input checked="" type="checkbox"/>	

Progress Summary

• California Ave Shoofly & Street Restoration	99%
• Railroad ROW storm drain system	75%
• Valley Blvd Shoofly	65%
• Drill Track	8%
• Drill track Revision 12	0%
• Retaining Walls & Backfill	0%
• Sunset Avenue Bridge (includes fabrication)	44%
• Orange Avenue Bridge (includes fabrication)	46%
• Valley Blvd Street Restoration	0%
• Landscaping & Irrigation	0%

Safety and Security Issues:

- LOST TIME INJURY STATUS: No injuries reported.
- SITE INCIDENTS: None.
- RR INCIDENTS: None.
- SECURITY INCIDENTS: None.

Issues

- Edison, Time-Warner, and Verizon lines in conflict with Sunset roadway finish grade elevations. ACE pursuing relocation agreements. SCE indicates 6 months (November 12, 2008).
- Drill Track poor sub-grade mitigation. ACE submitted to UPRR for review.
- UPRR signal wires still in conflict with portions of the Valley Shoofly v-ditch. Contractor hand-dug at Sunset & Orange.
- Drill Track shoulder and associated drainage was modified in Design Revision 12. UPRR review comments addressed and resubmitted to UPRR for review.
- Awaiting County approval of Roadway plans for Sunset Ave. County requested added survey information.

Work Accomplished this Month

- Continued Valley Blvd Shoofly Drainage (CN 014 & CN 006).
- Completed grading Shoofly v-ditch where there was no conflict with existing UPRR signal wires (CN 032).
- Continued fabrication of Sunset Ave and Orange Ave bridges.
- Obtained city approval of offsite soil storage lot at Orange Ave.

Upcoming Work next Month

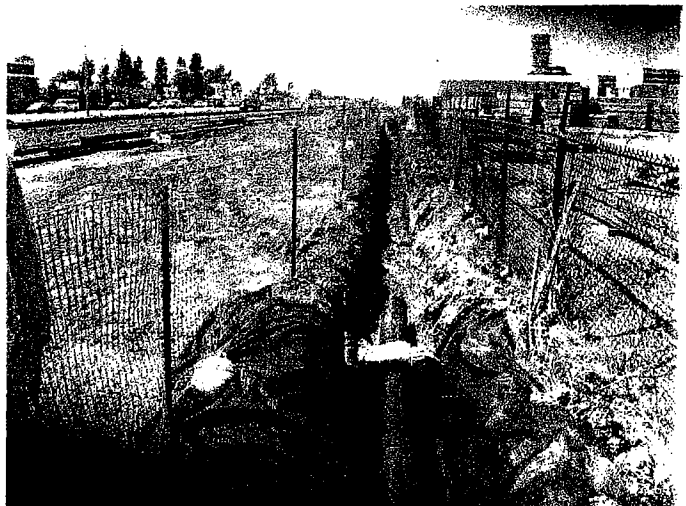
- Continue Existing Storm Drain Protection Shoofly & Drill Track (Design Rev 4; CN 014).
- Construct RCB Pipe Protection platform (CN 014).
- Re-grade Storm Line 'A' backfill. (CN 036).
- Finish available Grading Valley Blvd Shoofly and placing subballast (CN 032).
- Haul drill track excavation soils to storage site, and start drill track and CN 012 work.



Compacting CAB Beneath Future Sidewalk (CN 032)



Installing Line '3F' (CN 032)



Drill Track Drainage Line (CN 006)





Alameda Corridor-East Construction Authority

4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theaceproject.org

MEMO TO: ACE Construction Authority Board Members and Alternates

FROM: Rick Richmond
Chief Executive Officer

DATE: June 23, 2008

SUBJECT: Approval of Contract Amendment for Design Services During
Construction for Brea Canyon Road Grade Separation Contract with
DMJM+Harris

RECOMMENDATION: Staff recommends that the Board authorize the Chief Executive Officer to amend the contract with DMJM+Harris to add \$54,000 for minor design revisions and support during construction of the Brea Canyon Road grade separation, for a new contract value of \$3,773,376.

BACKGROUND: In September, 2001, you approved a contract with DMJM+Harris to design the Brea Canyon Road grade separation in the Cities of Diamond Bar and Industry. The current executed contract value is \$3,719,376.

The need for additional funds is driven by two factors. First, we have just recently finalized responsibility for installation of irrigation, landscaping and fountain restoration at one of our adjacent property owners. At the time the design scope was developed it was not known that this responsibility would fall with ACE and therefore needs to be added to the designer's scope of work. Secondly, the contract completion date has been extended from July 2008 to October. The designer's participation in the project during construction has been extended and therefore the contract funding needs to be supplemented to support the extension.

The history of this contract is as follows:

Brea Canyon Road Grade Separation

Board Action	Authorization	Executed Amount
Contract Award	\$2,183,000	\$2,174,510
Amendment 1	\$64,949	\$64,949
Amendment 3	\$445,300	\$444,597
Amendment 4	\$347,500	\$347,500
Amendment 8	\$10,000	\$9,000
Amendment 9	\$465,500	\$465,460
Amendment 10	\$213,360	\$213,360
This Request	\$54,000	\$54,000

Total	\$3,783,609	\$3,733,376
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BUDGET IMPACT: Funds for this contract are available from State TCRP, local MTA Proposition C Funds and City of Industry funds. Costs for this project have been included in the adopted budget.



Alameda Corridor-East Construction Authority

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MEMO TO: ACE Construction Authority Board Members & Alternates

FROM: Rick Richmond
Chief Executive Officer

DATE: June 23, 2008

SUBJECT: Approval of Contract Amendment for Design Services for the Temple Avenue Diversion Project with HDR Engineering Inc.

RECOMMENDATION: Staff recommends that the Board authorize the Chief Executive Officer to amend the contract with HDR Engineering, Inc. (HDR) to add additional design services and allowance for the increase of labor rate escalation costs for the 4th track component of the Temple Avenue train diversion project. The additional costs will not exceed \$117,105 resulting in a new not-to-exceed contract value of \$7,379,355.

BACKGROUND: Design of the Temple Avenue train diversion project began in 2001. It consisted of diversion of the Union Pacific Railroad's (UPRR) Alhambra subdivision to join the UPRR Los Angeles subdivision in Pomona to eliminate grade crossings at both Pomona Blvd. and Temple Ave. The diversion required a track across Cal Poly Pomona agricultural property and the addition of 2 ½ miles of third track along the Los Angeles subdivision. During the design, the UPRR changed its requirements to add second track capacity along the diversion track. In mid 2005, after construction had already begun, UPRR required that a 4th track right-of-way along the Los Angeles subdivision be added. After extensive negotiations, the UPRR agreed to pay a \$7.9 million share of the increased cost to the project. The design of the 4th track was added to the contract in October at a cost of \$1,560,961. Changes to the design as a result of both UPRR requirements and redesign for construction cost savings have increased the design cost to \$1,831,434.

In December of 2006, approval of a contract amendment for design services during construction for the Temple Avenue train diversion project was obtained which resulted HDR having a new not-to-exceed contract value of \$7,262,243. The amendment included a budget for several modifications to the final design.

During the design review process, after several meetings and calculations, it became apparent to L.A. County Department of Public Works (LACDPW), UPRR, and ACE that the existing LACDPW San Jose Creek Channel adjacent to the UPRR right-of-way would experience additional railroad surcharges on the structure and would result in an over-stressed condition. Therefore, the channel walls and invert would have to be redesigned and retrofitted to account for the increased railroad loads. This design requirement was not accounted for in the original scope of work.

In addition to the extra design scope, a portion of the additional funding required (about 30%) is due to higher consultant labor rates as a result of the work taking place 1-2 years later than anticipated. Our design contract permits a maximum labor rate increase of 5% per year.

The proposed budget for additional design services has been compared to our experience active design projects and found to be comparable. The proposed budget also allows for increase of labor rate escalation costs at a not to exceed amount of 5% over the previously approved year rates. Currently the labor rates have been approved up through the year 2007.

The history of this contract is as follows:

Board Action	Authorization	Executed Amount
Contract Award	\$3,000,000	\$2,996,890
3rd Track Design Amendments	\$876,502	\$875,096
3 rd Track Design Support During Construction Amendments	\$1,082,046	\$1,082,046
4 th Track Infrastructure Design	\$1,600,000	\$1,560,961
4 th Track Design Amendments	\$270,473	\$270,473
4 th Track Design Amendment	\$59,487	\$59,487
4 th Track Design Support During Construction	\$476,784	\$476,777
4 th Track Final Design & Design Support During Construction Amendment	\$117,105	\$117,105
Total	\$7,422,910	\$7,379,355

Budget Impact: Funds for this amended contract are available from grant funds (Federal and MTA funds).



Alameda Corridor-East Construction Authority

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MEMO TO: ACE Construction Authority Board Members and Alternates

FROM: Rick Richmond
Chief Executive Officer

DATE: June 23, 2008

SUBJECT: Approval of an Increased Authorization for Construction Contract Change Orders for the East End Avenue and Reservoir Street Grade Separations

RECOMMENDATION: Staff recommends that the Board increase the Chief Executive Officer's change order authorization by \$437,000.00 for a total contract authorization of \$34,403,460 to accommodate change orders compensating the general contractor and subcontractors for material cost escalations as discussed below. Approval of this authorization would increase staff's authorization for change orders to 13.9% of original contract value.

BACKGROUND: In March 2004, the Board authorized a contract with Ortiz Enterprises, Inc. (Ortiz) for the East End Avenue and Reservoir Street grade separation projects in the City of Pomona in the amount of \$30,208,600. After work began at the Reservoir Street grade separation, two Union Pacific Railroad (UPRR) delays and a Verizon delay added a net total of 270 days to the contract duration. Change orders to address general contractor extended overhead, acceleration and resequencing of work, shoring redesign and other change costs associated with these delays totaled \$1,252,563. In May, 2007, the Board authorized an increase of \$737,000 in additional change order authorization to accommodate these change orders.

Those delay cost change orders did not provide for increases in material and labor costs. Beginning in early 2004, due to rapid increases in embedded energy and commodity costs, the costs of asphalt, concrete, steel and other construction materials escalated at rates beyond what would have been reasonable to expect when the Reservoir/East End contract was bid and awarded. During the 1990's into 2003, Caltrans' overall price index for selected construction items had an average increase of 3.5% per year. During 2003, when the project was bid, the Caltrans index increased by 6.2 points, or 4.5%. In contrast, after contract award during 2004, the index jumped 67 points, or 45%. In 2005, the Caltrans index increased by 52.1 points, or 24%. One example of this escalation is the cost of Portland cement concrete, a major component in railroad underpasses. One estimate of the disparity between projected and actual concrete costs for the year 2005 is 58%.

Project work utilizing significantly more costly materials because of third party delays entitles the general contractor and subcontractors to extra compensation when those costs escalate at rates greater than could have been reasonably predicted during bidding. During 2007 and early 2008 Ortiz and 15 subcontractors submitted informal material cost escalation claims. Some of these claims also included labor cost escalation components. Some of these informal claims have been successfully resolved through negotiation with ACE's construction managers and they can now be included in change orders, approved by ACE and the claimants paid. The remainder are still in negotiation. Staff believes that all claims will eventually be satisfactorily resolved at the informal level after completion of the project.

Therefore, we are asking a supplemental authorization in the amount of \$437,000.00 which includes a \$400,000 reserve for payment of escalation claims plus the amount of a pending change order for incidental shoring and work area traffic control work. A future request including a final total of all project cost escalation claims will be brought to the Board after completion of the project. Approval of this additional authorization would result in a total contingency authorization of 13.9%.

BUDGET IMPACT: Funds for the anticipated costs are available from State grant funds (TCRP) and MTA Proposition C funds included in the Authority's approved budget.



Alameda Corridor-East Construction Authority

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MEMO TO: ACE Construction Authority Board Members and Alternates

FROM: Rick Richmond
Chief Executive Officer

DATE: June 23, 2008

SUBJECT: Approval of Ongoing Authority Support Contract Amendments and Annual Task Orders

RECOMMENDATION: Staff recommends that the Board authorize the Chief Executive Officer to amend or issue annual task orders for the following contracts for continuing support services from July 1, 2008 through June 30, 2009:

- Prince Global Solutions, LLC annual task order for \$200,000;
- Approve the agreement with Prince Global Solutions, LLC on a non-competitive basis in accordance with the attached Statement of Determinations and Findings.
- Capital Representation Group contract amendment for \$80,000;
- Padilla & Associates annual task order for \$268,000;
- First Southwest Company contract amendment for \$18,000;
- Burke, Williams & Sorensen contract extension through FY 2008;
- BICEP contract amendment for \$65,000,
- CLMC, Incorporated contract amendment for \$72,000,
- Lopez & Company contract amendment for \$33,900, and
- Hunt Ortmann – no additional authorization requested.

BACKGROUND: Continuation of contracted agency support services is necessary for FY 2008. The following is summary of work activities and proposed contract amendments/annual task orders:

- Prince Global Solutions, LLC – This work was previously performed by Womble Carlyle Sandridge & Rice under a contract competitively procured to provide support services for the ACE Project in Washington DC for the life of the project. Mr. Kevin D. Jones was the key person from the firm providing services to ACE. The services included assisting staff in responding to questions/information from congressional members and federal officials regarding pending federal funding requests for the ACE Project. In March 2008, Mr. Jones left Womble Carlyle to establish his own firm, Prince Global Solutions, LLC. Mr. Jones' participation is a key element of ACE's federal funding program. Staff has entered into a non-competitive agreement with

Mr. Jones new firm to continue providing services to ACE through June 30, 2008, for the not-to-exceed amount of \$56,124. The terms and conditions between the agreement with Prince Global Solutions LLC and Womble Carlyle are not materially different. At this time, staff is recommending a budget of \$200,000. This figure represents a cost of living increase of 3.9% over last year's budget. In addition, staff is recommending that the Board approve the attached Statement of Determinations and Findings for this non-competitive procurement.

- **Capital Representation Group** – This contract was competitively procured to provide support services for the ACE Project in Sacramento for the life of the project at our option. The firm provides assistance in responding to questions/information from legislators and state officials concerning the ACE Project. Also, the firm assists in monitoring legislation and regulations impacting the ACE Project. The recommended contract amendment amount is \$80,000 for FY 2009, the same amount as the current year.
- **Padilla & Associates** - This contract was competitively procured for labor compliance and disadvantaged business outreach activities for the life of the project at our option. We continue to be pleased with the services provided by this firm. The recommended FY 2009 budget is \$268,000. This represents a slight decrease from FY 2008's authorization.
- **First Southwest Company** – This firm was competitively selected to implement our financing for working capital. Their role extends to assisting staff with our reporting requirements for the existing financing, monitoring the services being provided by the paying agent, investment banker and letter of credit bank and advising and assisting and any subsequent note issuance. The recommended contract amendment amount is \$18,000 for FY 2009, which is the same authorization as the current year.
- **Burke, Williams & Sorensen** – Staff is recommending that the firm continue General Counsel services through FY 2009. The portion of the proposed FY 2009 legal expense attributable to Burke, Williams & Sorensen (approximately \$250,000) reflects ongoing general counsel support and substantial real estate acquisition activities on potential eminent domain cases that will be brought before the Board in the future.
- **Big Independent Cities Excess Pool (BICEP)** - This JPA was selected to perform risk management and claims administration for ACE for the life of the project. Their role includes coordination of ACE's insurance program, review of

evidence of insurance provided by ACE's contractors and consultants, as well as periodic risk assessment and review of ACE's contracts. In addition, BICEP's role includes involvement in coordinating third party claims between ACE and its contractors. The recommended amount for FY 2009 is \$65,000, which is consistent with the FY 2008 budget.

- **CLMC, Incorporated** - This firm was selected to provide assistance to the Authority in reviewing the invoices submitted by the Union Pacific Railroad (UPRR). The services are needed for the duration of the project, however the contract was intended to be authorized on an incremental basis. The scope of services includes the monitoring and validating the accuracy of the labor and material reporting on UPRR invoices, as well as monitoring and validation of peripheral project costs associated with activities undertaken by the UPRR in support of the ACE project. For the first eleven months of the current authorization period, the consultant has questioned \$688,644.85 in UP charges, of which \$209,160 are errors and the remainder are disputed overhead charges. We will recover all the erroneous charges. The overhead charges are subject to further negotiation and may be warranted. Payments to the consultant for this same period total \$65,784. The requested amount of \$72,000 is the same as FY 2008. The level of effort for FY 2009 will involve a similar number of work orders.
- **Lopez & Company** - This firm was competitively selected to perform annual financial audits for ACE and the San Gabriel Valley Council of Governments. Their role includes financial and compliance audits, preparation of the Comprehensive Annual Financial Report, conducting the single audit report on federal grant activities and preparation of a Management Report. The annual task order amount for FY 2009 of \$33,900 represents the same amount that was expended last year
- **Hunt Ortmann Palffy Nieves Lubka Darling & Mah, Inc.** - This firm was competitively selected to provide construction legal services for ACE for the duration of the ACE project. At the June 2007 Board meeting, the Board authorized \$223,437, which when added to the initial authorization of \$72,500 from July 2000, resulted in a total authorization of \$295,937. Hunt Ortmann remains under the authorized amount by approximately \$60,000. Staff will bring this contract back for additional approval should there be unexpected activity, such as for claims or litigation that would exceed the remaining authorization.

BUDGET IMPACT: Funds for these contracts are included in the FY 2009 budget and available from grant funds, except in the case of First Southwest Company expenses, which will be paid from interest earned from Grant Anticipation Note proceeds.



Alameda Corridor-East Construction Authority

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Statement of Determinations and Findings

DATE: June 23, 2008

PROCUREMENT: Federal Legislative Support

SUBJECT FIRM: Prince Global Solutions, LLC

The Alameda Corridor-East Construction Authority is proposing to proceed with a non-competitive procurement with Prince Global Solutions, LLC to continue ACE Construction federal legislative support in Washington.

Background:

ACE used the competitive procurement process to award federal legislative support in Washington DC to Womble, Carlyle, Sandridge & Rice with Mr. Kevin Jones as lead project manager for the life of the project.

Mr. Kevin Jones was the key person from the firm providing services to ACE since the agency's inception. With Mr. Jones as lead support in DC, the Authority has been successful in receiving more than \$229 million in federal funding for the ACE Project.

Mr. Jones has an in depth and through knowledge of the ACE Project and congressional support from San Gabriel Valley delegation. Such services included assisting staff in responding to questions/information from congressional members, monitoring pending legislation, attending committee hearings, monitoring pending funding requests, and working with federal officials regarding pending federal funding requests for the ACE Project.

In March 2008, Mr. Jones left Womble Carlyle to establish Prince Global Solutions, LLC. There was a unique and compelling urgency to continue Mr. Jones federal legislative support given two pending FY '09 funding requests that were submitted to Committee staff in March. Staff entered into a non-competitive agreement with Prince Global Solutions, LLC to continue providing services to ACE through June 30, 2008.

The Authority's need for continued federal legislative support in Washington DC through June 30, 2009 and staff recommends that Prince Global Solutions work effort be continued for through June 30, 2009. This action is consistent with the original board action selection Mr. Kevin Jones to represent ACE interests in Washington DC through the life of the project.

Staff reviewed the most cost effective way to move forward with continuing legislative support services in Washington DC and believes that continuing Prince Global Solutions, LLC is in the ACE Construction Authority's best interest.

Justification for Non-competitive Procurement

The ACE Construction Authority's procurement process, as outlined in the Administrative Code, demands that competitive procurements be employed whenever possible and only allows non-competitive procurements under certain exceptional circumstances. Staff believes that such exceptional circumstances exist in connection with Prince Global Solutions, LLC support work. Staff offers the following justifications for its recommendation that federal legislative support services in Washington be obtained through a non-competitive procurement.

1. The Authority's need is of a unique and compelling urgency.

ACE has invested significant resources in seeking a 40 % federal funding partnership for completion of the ACE project. In order to continue ACE's successful federal funding partnership goal, representation of ACE interests is essential by someone who has thorough understanding of the project. Mr. Kevin Jones, principal of Prince Global Solutions LLC, has been the ACE DC representative since project inception. The need for this procurement arose out of an unexpected situation where Womble Carlyle chose to cease doing this scope of services.

2. Specialized Knowledge:

Because of Mr. Kevin Jones's participation on the ACE Project from inception to date, Prince Global Solutions LLC possesses a unique understanding of the ACE Project and federal funding history and the specialized knowledge of the federal legislative support services needed in Washington. Staff does not believe there are any other firms that possess comparable knowledge at this time.

3. Cost Effective:

Staff believes the scope is cost effective, and thus, in the public's best interest, to have Prince Global Solutions, LLC provide the scope. Other firm(s) coming in to the project at this point in the legislative process would require a significant learning curve to provide ACE support in DC.

Prince Global Solutions has provided a scope in the amount of \$200,000. Staff has evaluated the proposed price and the scope of services and has determined that the price is fair and reasonable.

Cindi Ambrose
Manager of Contracts

Rick Richmond
Chief Executive Officer



Alameda Corridor-East Construction Authority

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MEMO TO: ACE Construction Authority Board Members and Alternates

FROM: Rick Richmond
Chief Executive Officer

DATE: June 23, 2008

SUBJECT: Approval of FY 2009 Work Plan and Annual Task Orders

RECOMMENDATION: Staff recommends that the Board authorize the Chief Executive Officer to issue annual task orders for the following contracts for continuing support services from July 1, 2008 through June 30, 2009:

- Paragon Partners, Ltd. Annual task order for \$1,686,000;
- Del Richardson & Associates, Inc. annual task order for \$154,000;
- J.L. Patterson & Associates, Inc. annual task order for \$77,000;
- Wagner Engineering & Survey annual task order for \$197,700;
- Terry A. Hayes Associates annual task order for \$249,000;
- MWH Americas, Inc. annual task order for \$101,000;
- Lang/Pan/Chan Public Relations annual task order for \$73,000; and
- Lee Andrews Group annual task order for \$744,000;

BACKGROUND: In March 2008, you approved the execution of assignment agreements to allow ACE to assume responsibility for the eight program management team subcontractors listed above. ACE's Program Manager, Bechtel, has opted not renew their Agreement beyond June 2008. Continuation of these subcontracted services is necessary for ACE's FY 2009 Work Plan.

The existing subcontracts that ACE will assume provide that work is ordered and controlled through the issuance of task orders. As of the mailing date of the agenda, five of the nine subcontractors have indicated their acceptance of the assumption of their subcontract by ACE. Financial reconciliations of costs incurred are in process. The following is summary of work activities and proposed contract amendments/annual task orders:

- **Paragon Partners, Ltd.** - Paragon Partners, Ltd. provides right of way acquisition services for the ACE Program. Acquisition activities, including disposition of excess property, are on-going for the following projects: East End/Reservoir, Temple Train Diversion, Brea Canyon, Ramona, Sunset, Baldwin, San Gabriel, and Nogales. In addition to overall support, effort is also forecast for the general support. The recommended contract amount for FY 2009 is \$1,686,000. This represents a

decrease of 29% from last year's budget of \$2,178,789, resulting from a tapering off of Baldwin expenses.

- **Del Richardson & Associates, Inc.** - Del Richardson & Associates, Inc. provides relocation assistance. Relocation assistance is forecast for FY 2009 for the Nogales and Baldwin projects. The recommended contract amount is \$154,000, which represents a decrease of 24% from the FY 2008 budget of \$204,584. The decrease is largely due to on expected decreasing relocation workload on the Baldwin project.
- **J.L. Patterson & Associates, Inc.** - J.L. Patterson & Associates, Inc. provides railroad engineering services and safety training for the ACE program. The recommended contract amount for FY 2009 is \$77,000. The proposed budget will cover design activities on the Baldwin project, as well as general engineering support. The proposed slightly below last year's budget of \$85,262.
- **Wagner Engineering & Survey** - Wagner Engineering & Survey provides property surveys for the ACE project. Their proposed FY 2009 scope includes property disposition surveys for the East End, Temple, Brea Canyon, and Ramona projects and property acquisition and safety surveys for the Sunset, Baldwin, and Nogales projects. The recommended budget for the FY 2009 task order is \$197,700. This represents a 29% increase over the \$153,531 budget for FY 2008. The additional budget is a function of continuation of activities on on-going projects and the addition of the Nogales project effort.
- **Terry A. Hayes Associates** - This firm prepares environmental documents and conduct ACE's environmental mitigation monitoring program. Their proposed scope for FY 2009 includes the preparation and circulation of the San Gabriel Trench environmental document and the mitigation monitoring of active construction projects (Temple Ave., Brea Canyon, and Sunset). The proposed authorization for FY 2009 is \$249,000, which represents a increase of about 30% over the current year's expected cost, based on the level of effort needed for the San Gabriel Trench.
- **MWH Americas, Inc.** - MWH Americas, Inc. provides environmental management services during construction for ACE. These services consist of testing hazardous materials that may be encountered on the ACE project sites. MWH Americas, Inc. proposed scope for FY 2009 includes work on the Temple, Brea Canyon, Sunset, Baldwin and San Gabriel projects along with general program-wide support. The proposed budget for FY 2009 is \$101,000 which is a decrease from the FY 2008 budget of \$128,364, reflecting changes in the expected need for this service on future construction sites.

decrease of 29% from last year's budget of \$2,178,789, resulting from a tapering off of Baldwin expenses.

- **Del Richardson & Associates, Inc.** - Del Richardson & Associates, Inc. provides relocation assistance. Relocation assistance is forecast for FY 2009 for the Nogales and Baldwin projects. The recommended contract amount is \$154,000, which represents a decrease of 24% from the FY 2008 budget of \$204,584. The decrease is largely due to on expected decreasing relocation workload on the Baldwin project.
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- **Wagner Engineering & Survey** - Wagner Engineering & Survey provides property surveys for the ACE project. Their proposed FY 2009 scope includes property disposition surveys for the East End, Temple, Brea Canyon, and Ramona projects and property acquisition and safety surveys for the Sunset, Baldwin, and Nogales projects. The recommended budget for the FY 2009 task order is \$197,700. This represents a 29% increase over the \$153,531 budget for FY 2008. The additional budget is a function of continuation of activities on on-going projects and the addition of the Nogales project effort.
- **Terry A. Hayes Associates** - This firm prepares environmental documents and conduct ACE's environmental mitigation monitoring program. Their proposed scope for FY 2009 includes the preparation and circulation of the San Gabriel Trench environmental document and the mitigation monitoring of active construction projects (Temple Ave., Brea Canyon, and Sunset). The proposed authorization for FY 2009 is \$249,000, which represents a increase of about 30% over the current year's expected cost, based on the level of effort needed for the San Gabriel Trench.
- **MWH Americas, Inc.** - MWH Americas, Inc. provides environmental management services during construction for ACE. These services consist of testing hazardous materials that may be encountered on the ACE project sites. MWH Americas, Inc. proposed scope for FY 2009 includes work on the Temple, Brea Canyon, Sunset, Baldwin and San Gabriel projects along with general program-wide support. The proposed budget for FY 2009 is \$101,000 which is a decrease from the FY 2008 budget of \$128,364, reflecting changes in the expected need for this service on future construction sites.

- **Lang/Pan/Chan Public Relations** – Lang/Pan/Chan Public Relations (LPC) is a part of ACE's community outreach team, particularly providing assistance with the Asian community outreach across all ACE's projects. LPC's proposed budget for FY 2009 is \$73,000, which is the same as the FY 2008 budget.
- **Lee Andrews Group** – This firm provides public outreach services to ACE, also on a program-wide basis. The Lee Andrews Group proposed budget is \$744,000 for FY 2009 which the same as the current year. This consists of 3+ full time equivalent positions to support our public information and field community outreach and the production of all public information material (project video, brochures, handouts, community events, advertising, etc.)

Budget Impact: Funds are available from MTA, State and Federal grants. The funding is included in the Authority's FY 2009 budget authorized in the May 2008 Board meeting.



Alameda Corridor-East Construction Authority

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MEMO TO: ACE Construction Authority Board Members & Alternates

FROM: Rick Richmond
Chief Executive Officer

DATE: June 23, 2008

SUBJECT: Approval of Support in Concept AB 2321

RECOMMENDATION

Support in concept AB 2321 (Feuer) legislation pending Metro Board action this month regarding ACE funding in the bill.

BACKGROUND

The attached matrix summarizes key pending transportation bills updated through June 9th and lists bills on which ACE has previously taken a position or is monitoring. (Subsequent legislative committee actions will be provided at the meeting.)

Metro has worked closely with Assembly member Mike Feuer on six transportation financing bills that would provide options for addressing the predicted Metro capital revenue shortfall over the next 30 years. They are summarized on the attached matrix. AB 2321 bill is the one bill moving currently and potentially impacts ACE funding. The bill is clean-up legislation to Senator Murray's SB 314 enacted in 2003. That legislation allows for an additional 1/2 percent sales tax if approved by LA County voters. This bill amends the duration of the tax from 6 1/2 years to 30 years, and allocates the extra revenue generated from the sales tax toward critical transportation projects. A two-third voter majority approval would still be required.

SB 314 language currently includes funding for the Metro Gold Line Foothill Extension (\$328 million), the ACE Project (\$200 million) and \$250 million street repair program countywide. On May 6th, the SGVCOG Governing Board approved a project list for Metro consideration. ACE was included as a priority and requested an increase from the SB 314 allocation to \$400 million. The Metro Board will consider the local agencies requests at their June Board meeting. It is anticipated that the Board will consider placing the initiative on the November ballot.

Staff recommends support of AB 2321 as noted above and transmittal of comments to San Gabriel Valley Legislators.

Attachments

2008 STATE LEGISLATIVE SUMMARY
Effective June 9, 2008

BILL NO.	AUTHOR	SUMMARY	COMMENTS	STATUS	AGENCY POSITIONS	RECOMMENDED POSITION
SENATE BILLS						
SB 974	Lowenthal	Levies a \$30 per container user fee processed through LVLB and Oakland ports beginning 9/1/2009. 50% fee goes for projects that improve goods movement (ACE specifically mentioned as project) and 50% fee for reducing air pollution. Gives authority to issue bonds for projects to be repaid by the fees (est. \$528m annually). Project list to be finalized by 9/1/09. Goods movement priority list to be determined by the 9-member Southern California Goods Movement Authority; funds allocated by CTC; air quality project funding to be made available to the SCAQMD.	<p>Majority vote required.</p> <p>Legislature approved last year and vetoed by Governor.</p> <p>State legal analysis indicates legislation does not conflict with commerce provision in US Constitution.</p> <p>SGVCOG, ACE and SGVEP supported last year.</p> <p>Potential revenue source to fund local match for ACE Project and further leverage state bond funds and federal funds.</p>	Senate approved. On Assembly Floor, third reading.	<p>ACE, SGVCOG & SGVEP previously supported and have re-adopted support. Additional Support.</p> <p>MTA support & work with author to increase flexibility of funds used for highway projects.</p> <p>Also, the following support: Cities of Long Beach, Lakewood and Burbank, Coalition for Clean Air, Environmental Defense, Parents for a Safer Environment, Friends of the Earth, Planning & Conservation League, Natural Resources Defense Council.</p> <p>Opponents-California Chamber and retailers who export goods through the ports because they believe bill violates commerce clause of US Constitution and will cause shippers to divert</p>	Support.
SB 1363	Perata	Extends Caltrans authority and regional transportation agencies to 2013 to enter into four demonstration lease agreements for toll or user-funded goods movement projects.	<p>Urgency statute requiring 2/3's vote.</p>	4/9 Hearing in Senate Transportation and Housing Committee cancelled at request of author.		Monitor

2008 STATE LEGISLATIVE SUMMARY
Effective June 9, 2008

ASSEMBLY BILLS						
ACA 10	Feuer	Would lower voter approval threshold from 2/3 to 55% for general obligation bonds for a city, county to fund bonded indebtedness for transportation projects (same as for education bonds).	Requires 2/3 vote approval of Legislature. Author has indicated he will hold bill due to Republican opposition.	Introduced Jan. 8, 2008.		Monitor
AB 660	Galgiani	Bill was amended to revise the existing PUC grade separation funding program (\$15 m annually). Allows for funding projects up to \$20 million within five years without legislative authority if project on PUC priority list and other conditions.	Majority vote. Amendments address ACE & SGVCOG prior concerns (elimination of railroad contribution and elimination of funding cap).	Amended June 4 in Senate Transportation & Housing Committee. To be re-heard on June 10.	Support: PUC	ACE changed position from 'oppose unless amended' to support.
AB 1815	Feuer	Establishes a 14-member California Transportation Infrastructure Financing Task Force to study alternatives to the per-gallon gas and diesel tax and report findings to the Legislature by January 1, 2010.	Majority vote. Similar bill died last year.	Hearing in Assembly Transportation Committee canceled at request of author.		Monitor
AB 1836	Feuer & Levine	Removes requirement for 2/3 vote to approve Infrastructure Financing Districts for public works projects, similar to redevelopment districts.	According to author, when federal and state funding dollars are tight, IFDs could play a critical role in funding much needed infrastructure projects.	Sen. Local Govt. Comm. hearing scheduled for June 18	Support: LA MTA, Chamber of Commerce, League of CA Cities	Monitor
AB 2321	Feuer	Amends Los Angeles County MTA existing legislative authority regarding projects and process for .5% sales tax in LA County. Approval by voters still required with 2/3 majority. Legislation extends the life of the tax from 6 1/2 years to 30 years. Clarifies existing projects and adds additional projects that could be considered by voters.	Revenues would go toward funding projects in the 30 year MTA Long Range Transportation Plan. Within SGV, ACE Phase II projects, Gold Line Phase II and highway projects would be included for funding.	In Senate for committee assignment. Metro Board considering placing ballot measure before voters on November ballot.	Support: METRO Oppose: None	Support in concept, pending Metro Board action this month responding to May 6th 2008 SGVCOG letter on critical SGV infrastructure-congestion relief projects.
AB 2388	Feuer	Would impose a vehicle carbon-emission and weight fee.	Funds would be used for emissions reduction, road maintenance and congestion relief.	Hearing cancelled in Assembly Transportation Committee.	Support: California Transit Assoc., LA Business Council Oppose: Auto Club, auto dealers	Monitor

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AB 2558	Feuer	Authorizes a carbon-emission fee subject to majority approval of LA County voters for air pollution and congestion relief programs.	MTA would decide whether fee assessed at pump (no more than 3% of fuel costs) or through Vehicle License Fee (no more than \$90 per vehicle).	Hearing not yet scheduled in Sen. Transp. & Housing Comm.	<u>Support:</u> LA MTA, Clean Air Coalition, transit, health groups <u>Oppose:</u> Stop Hidden Taxes Coalition, Calif. Chamber, car dealers, beverage distributors, petroleum producers	Monitor
AB 2650	Carter	Extends sunset for Caltrans pilot program to 2012 by which the department streamlines the environmental review process for transportation projects by assuming the federal government's review responsibilities under the National Environmental Policy Act (NEPA). Caltrans sill complies with all NEPA regulations.	Majority vote required. ACE has two draft environmental documents ready to go to Caltrans/FHWA for review to release for public comment. The pilot project has demonstrated 72% less time to date. Extending the pilot sunset clause would be beneficial to ACE re Caltrans/FHWA review time.	Scheduled for hearing on June 10 in Senate Trans. & Housing Com.	<u>Support:</u> Caltrans, Auto Club, CTC, League of Calif. Cities, LACMTA and other county transportation agencies <u>Oppose:</u> None	Support
AB 3021	Nava	Creates the California Transportation Financing Authority to fund additional highway projects by issuing revenue bonds based on taxes, tolls, etc. Membership of CFTA includes: Treasurer; Director of Finance; Controller; Caltrans Director; CTC CEO, Senate Rules Committee appointment; and Speaker appointment. Bonds secured by fuel taxes; Article XIX rules sales taxes and other state revenues approved by the legislature.	Majority vote required. Project sponsor can obtain CFTA authority to impose tolls providing non-tolled alternative is included; local voter or board approval provided and tolls will pay for bonds. Up to four lease agreements are provided where designed to improve goods movement.	In Sen. Rules Comm. for hearing committee assignment.	<u>Support:</u> State Treasurer (sponsor); State Building and Construction Trades Council of California. <u>Opposition:</u> Environmental Defense	Monitor
AB 3064	Leno	Assembly Transportation Committee's annual omnibus measure requires interest earned by localities on allocations of Proposition 1B proceeds to be used for transportation projects, and makes other miscellaneous changes.	Majority vote. Prop 1B is silent on use of interest earned.	Scheduled for hearing on June 24 in Senate Trans. & Housing Com.	<u>Support:</u> State Controller <u>Oppose:</u> None	Monitor